United Nations Convention on the Law of the Sea SPLOS/185

Meeting of States Parties

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Election of a member of the International Tribunal for the Law of the Sea

Note by the Registrar of the International Tribunal for the Law of the Sea on the election procedures

I. Election of a member of the Tribunal

1. Article 6, paragraph 1, of the Statute of the Tribunal provides that vacancies in the membership of the Tribunal shall be filled by the same method as that laid down for the first election, subject to the provision that the Registrar of the Tribunal shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in article 4 of the Statute, and the date of the election shall be fixed by the President of the Tribunal after consultation with the States Parties. Article 6, paragraph 2, of the Statute further provides that a member of the Tribunal elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

2. With the death of Judge Choon-Ho Park (Republic of Korea) on 12 November 2008, a vacancy has occurred in the Tribunal for the remainder of his term of nine years, which would have ended on 30 September 2014. Pursuant to article 6 of the Statute of the Tribunal, the election to fill the vacancy for the remainder of the term will be held on 6 March 2009.

3. Two persons were nominated, and their names were circulated to the States Parties in document SPLOS/186. The curricula vitae of the candidates were circulated in document SPLOS/187.

II. Procedure

4. Pursuant to article 4, paragraph 4, of the Statute, the members of the Tribunal shall be elected by secret ballot at a meeting of States Parties convened by a procedure agreed to by the States Parties. Two thirds of the States Parties shall constitute a quorum at such meeting. Article 4, paragraph 4, of the Statute further stipulates that the "persons elected to the Tribunal shall be those nominees who

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obtain the largest number of votes and a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties".

5. The procedure for the first election determined by the Meeting of States Parties at its fifth meeting (see SPLOS/14, para. 15) is set out in document SPLOS/L.3/Rev.1 of 31 July 1996. In adopting the procedure contained therein, the Meeting decided, inter alia, that the 21 members of the Tribunal shall be elected as follows:

(a) Five judges from the African Group;

(b) Five judges from the Asian Group;

(c) Four judges from the Latin American and Caribbean Group;

(d) Four judges from the Western European and Other States Group;

(e) Three judges from the Eastern European Group.

6. The fifth Meeting of States Parties decided that the arrangements would be applicable to the first election and would not prejudice the arrangements for any other election (see SPLOS/L.3/Rev.1, para. 12).

7. Articles 2 and 3 of the Statute provide as follows:

"*Article 2*
"*Composition*

"1. The Tribunal shall be composed of a body of 21 independent members, elected from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea.

"2. In the Tribunal as a whole the representation of the principal legal systems of the world and equitable geographical distribution shall be assured.

"*Article 3*
"*Membership*

"1. No two members of the Tribunal may be nationals of the same State. A person who for the purposes of membership in the Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

"2. There shall be no fewer than three members from each geographical group as established by the General Assembly of the United Nations."